

## **ORDINANCE NO. 127**

### **AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, PROVIDING STANDARDS FOR THE SUBMISSION, REVIEW, AND APPROVAL OF APPLICATIONS FOR WIRELESS TELE- COMMUNICATION FACILITIES**

#### **FINDINGS**

WHEREAS, the City Council finds that the 104th Congress of the United States passed Public Law 104 (Telecommunications Act of 1996) mandating the approval of wireless telecommunication facilities in every city and county of the nation; and

WHEREAS, the City Council finds that the community derives much of its value and environmental quality from the way it appears to the residents, businesses, visitors and those passing through, and that the location and appearance of tall structures with the potential to affect these elements is important for the public health, safety and general welfare; and

WHEREAS, the City Council finds that wireless telecommunication facilities can be a vital tool in the changing economy of the City's businesses and the social lives of its citizens, provided they are located, sited and designed in a manner consistent with the changing technology and with the public health, safety and general welfare; and

WHEREAS, it is the intent of the City Council that: (a) it can both regulate and provide incentives to the wireless industry, as provided for in this ordinance; (b) that the provisions of this ordinance relative to Wireless telecommunication facilities supersede all other provisions of the Shoreline Municipal Code that may exist in other sections of the Zoning Code; (c) that varying types of wireless telecommunication facilities and the varying environments upon which they may be best suited shall require a comprehensive set of regulations that provide for the review of permit applications for these facilities;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, DO ORDAIN AS FOLLOWS:**

#### **SECTION A. PURPOSE**

The City of Shoreline derives much of its community value and environmental quality from the way it appears to the residents, businesses, visitors, and those passing through. The provisions of this ordinance are intended to establish a greater sense of quality and unity of the proposed wireless telecommunication facilities with the physical assets of the community. The standards are not intended to prohibit wireless telecommunication facilities from locating in the community, but rather to add consistency and predictability for telecommunications providers requesting a permit to site a wireless telecommunication facility within the City. The standards cover three major types of wireless telecommunication facilities, based on the type of permanent mounts. They include building mounted, ground mounted and structure (other than buildings) mounted facilities. The standards include pictures of various types of facilities in the text of this ordinance.

## **SECTION B.     DEFINITIONS AND EXPLANATION OF TECHNICAL TERMS**

The following technical terms and definitions are used throughout the ordinance. When a word or phrase appears that is also defined in this section, it is identified through the use of *italics*.

1. **Abandonment.** To cease operation for period of six (6) or more consecutive month.
2. **Antenna.** A device used to capture an incoming and/or to transmit an outgoing radio-frequency signal. Antennas include, but are not limited to, the following types: Omni-Directional (or 'Whip'), Directional (or 'Panel'), Parabolic (or 'Dish'), and Ancillary Antennas (antennas not directly used to provide wireless telecommunication services).
3. **Camouflaged.** A *wireless telecommunication facility* that is disguised, hidden, or integrated with an existing structure that is not a *monopole*, *guyed*, or *lattice tower*, or placed within an existing or proposed structure.
4. **Co-location.** The use of a single support structure and/or site by more than one wireless communications provider.
5. **Conditional use permit (CUP).** A process and approval as described in City of Shoreline Ordinance No. 96 and in the Zoning Code, Title 21A 44.040.
6. **Corridor.** A linear strip of land through the City, usually having a major street, road or other type of right-of-way running through its spine or center. A "communications corridor" represents a high-volume traffic facility (e.g., I-5) along which are found several personal wireless service facilities.
7. **Design.** The appearance of *wireless telecommunication facilities* including such features as their materials, colors, and shape.
8. **Equipment enclosure.** A small structure, shelter, cabinet, or vault used to house and protect the electronic equipment necessary for processing wireless communications signals. Associated equipment may include air conditioning and emergency generators.
9. **Guyed tower.** A *monopole* or *lattice tower* that is tied to the ground or other surface by diagonal cables.
10. **Lattice tower.** A type of mount that is self-supporting with multiple legs and cross-bracing of structural metal.
11. **Licensed carrier.** A company authorized by the FCC to build and operate a commercial mobile radio services system.
12. **Modification.** The changing of any portion of a *wireless telecommunication facility* from its description in a previously approved CUP or SUP. Examples include, but are not limited to, changes in design or ownership.
13. **Monopole.** A self-supporting *antenna*, *ground-mounted*, consisting of a single shaft that is typically made of wood, steel, or concrete and provides a rack (or racks) for mounting antennas at its top.

- 14. Mount.** The structure or surface upon which *wireless telecommunication facilities* are mounted. There are three types of permanent mounts:
- i) **Building Mounted.** A *wireless telecommunication facility* mount fixed to the roof or side of a building.
  - ii) **Ground-mounted.** A *wireless telecommunication facility* mount fixed to the ground.
  - iii) **Structure-mounted.** A *wireless telecommunication facility* fixed to a structure other than a building, such as light standards, water reservoirs, and bridges.
- 15. Prime Wireless Location.** A site, or area, designated by the City of Shoreline as suitable for location of *wireless telecommunication facilities* due to their potential for effective service provision to specific areas of the city.
- 16. Secondary use.** A use subordinate to the principal use of the property, e.g., commercial, residential, utilities, etc.
- 17. Security barrier.** A wall, fence or berm that has the purpose of sealing an area from unauthorized entry or trespass.
- 18. Special use permit (SUP).** A process and approval as described in City of Shoreline Ordinance No. 96 and in the Zoning Code, Title 21A.44.050.
- 19. Unlicensed wireless services.** Commercial mobile services that can operate on public domain frequencies and that therefore need no Federal Communications Commission (FCC) license.
- 20. Wireless Telecommunication Facility (WTF).** An unstaffed facility for the transmission and reception of radio or microwave signals used for commercial communications. A WCF provides services which include cellular phone, Personal Communication Services, other mobile radio services, and any other service provided by wireless common carriers licensed by the Federal Communications Commission (FCC). WTF are composed of two or more of the following components:
- i) *Antenna*; ii) *Mount*; iii) *Equipment Enclosure*; iv) *Security Barrier*

## **SECTION C. EXEMPTIONS**

The following are exempt from the provisions of this ordinance and shall be permitted in all zones:

- 1. Industrial processing equipment and scientific or medical equipment using frequencies regulated by the Federal Communications Commission (FCC).
- 2. Machines and equipment that are designed and marketed as consumer products, such as microwave ovens and remote control toys.
- 3. The storage, shipment or display for sale of antenna(s) and related equipment.
- 4. Radar systems for military and civilian communication and navigation.
- 5. Hand-held, mobile, marine and portable radio transmitters and/or receivers.
- 6. Wireless radio utilized for temporary emergency communications in the event of a disaster.
- 7. Licensed amateur (Ham) radio stations and citizen band stations.
- 8. Earth station antenna(s) one meter or less in diameter and located in any zone.
- 9. Earth station antenna(s) two meters or less in diameter and located in the NB, CB, RB, O, or I zones.

10. Satellite dish antennas less than two (2) meters in diameter, including direct to home satellite services, when an accessory use of a property.
11. Maintenance or repair of a communication facility, antenna and related equipment, transmission structure, or transmission equipment enclosures, provided that compliance with the standards of this ordinance is maintained.
12. Subject to compliance with all other applicable standards of this ordinance, a building permit application need not be filed for emergency repair or maintenance of a facility until 30 days after the completion of such emergency activity.

#### **SECTION D. PROHIBITIONS**

The following wireless telecommunication facilities are prohibited:

1. Guyed towers.
2. Roof-mounted lattice towers.

#### **SECTION E. PERMIT REQUIREMENTS**

Permit review procedures for various types of permits are established in the City of Shoreline Ordinance No. 96. This section specifies the types of permits required for the various types of Wireless Telecommunication Facilities, based on the type of mount, that meet the standards of this ordinance.

In reviewing any application for wireless telecommunication facility the City shall act within a reasonable period of time, taking into the account the nature and scope of the application. Incentives, shorter and less complex permit processing, are provided for the building and structure mounted facilities and for co-location of facilities on existing towers, based on a reasonable conclusion that such facilities require less additional evaluation compared to review needed for ground mounted facility on a new site. Application submission requirements for Conditional Use Permit and Special Use Permit are specified in the City of Shoreline Zoning Code, Title 21A.

**TABLE 1 - Types of permits required for the various types of Wireless Telecommunication Facilities**

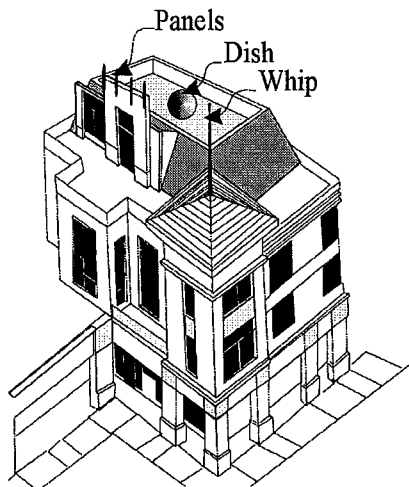
<b>Type of WTF</b>	<b>Building</b>	<b>Type of Condi- tional Use (CUP)</b>	<b>Permit Special Use (SUP)</b>	<b>Rights- of-Way Use</b>
Building and structure mounted wireless telecommunication facilities and facilities co-located onto existing tower	<b>X</b>			<b>X</b> (if applicable)
Ground Mounted <u>Camouflaged</u> Lattice Towers and Monopoles	<b>X</b>	<b>X</b>		<b>X</b> (if applicable)
Ground Mounted <u>Uncamouflaged</u> Lattice Towers and Monopoles	<b>X</b>		<b>X</b>	<b>X</b> (if applicable)

## **SECTION F. DEVELOPMENT STANDARDS**

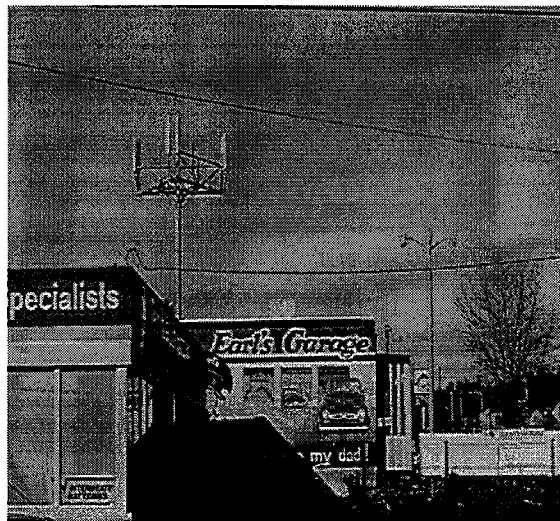
The following standards, text and figures, shall be applied to all proposed development of wireless communication facilities located within the City of Shoreline.

### **1. BUILDING MOUNTED WIRELESS TELECOMMUNICATION FACILITIES STANDARDS:**

- a) Wireless telecommunication facilities located on the roof or on the side of the building shall be grouped together, integrated to the maximum possible degree with the building design, placed to the center of the roof and/or thoroughly screened from residential building views and from public views. (Figure 1 and 2)
- b) The maximum height of roof mounted facilities and equipment shall not exceed fifteen feet (15') above the top of the roof on which the facility is located. This standard shall apply to all buildings, including those built at the maximum height allowed in a specific zone.
- c) Equipment for building mounted wireless telecommunication facilities shall be located within the building in which the facility is placed or shall be incorporated into the roof design.
- d) Building mounted wireless telecommunication facilities shall be painted with non-reflective colors. Colors of these facilities and equipment enclosures shall blend in with the building colors.



**Figure 1** - Wireless facilities integrated into the roof design.



**Figure 2** - Unintegrated roof mounted facilities are not permitted.

### **2. GROUND MOUNTED WIRELESS TELECOMMUNICATION FACILITIES STANDARDS:**

- a) All ground mounted wireless telecommunication facilities shall conform to the height and setbacks requirements specified in Table 2.

**TABLE 2 - Height and setback standards for ground mounted wireless telecommunication facilities**

<b>ZONE</b>	<b>MAXIMUM HEIGHT</b>	<b>SETBACKS</b>
All Residential Zones: R 4 - R 48	Maximum height specified for each zoning designation in the Shoreline Municipal Code, Title 21A, Zoning Code	Minimum 50' from all adjacent residentially zoned properties. Minimum of 30' from any public Right of Way.
All Commercial Zones: NB, CB, RB and O.	Maximum height specified for each zoning designation in the Shoreline Municipal Code, Title 21A, Zoning Code	Minimum 30' from all adjacent commercially zoned properties and 50' from all adjacent residentially zoned properties. Minimum of 30' from any public Right of Way.
Industrial Zone	Maximum height specified for the zoning designation in the Shoreline Municipal Code, Title 21A, Zoning Code	Minimum 20' from all adjacent industrially zoned properties, 30' from all adjacent commercially zoned properties and 50' from all adjacent residentially zoned properties. Minimum of 30' from any public Right of Way.

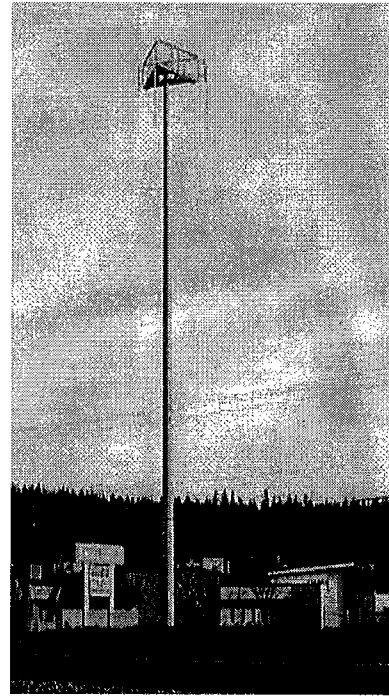
b) All ground mounted wireless telecommunication facilities shall conform to the following site development standards:

- i) To the greatest extent possible, ground mounted facilities shall be located where existing trees, existing structures and other existing site features camouflage these facilities from prevalent views. (Figures 3, 4, 5 and 7.)
- ii) Existing mature vegetation should be retained to the greatest possible degree in order to help conceal the facility. (Figure 5.)
- iii) A landscaping plan shall be required that shows the best use of the existing vegetation. Existing vegetation shall be supplemented with new landscaping to effectively screen the facility. Indigenous, drought tolerant plants or species proven adaptable to the local climate should be used. New landscaping must provide design continuity between the subject site and neighboring properties. (Figure 3.)
- iv) Equipment enclosures shall be placed unobtrusively underground if site conditions permit and if technically feasible. When such placement is not feasible, they shall be incorporated in a building design. (Figure 3.)
- v) Above ground equipment shall be screened around the perimeter by a fence at least six feet (6') high. The fence should be made of masonry, ornamental metal or wood, or some combination of these. (Figure 8.)
- vi) The use of chain link, plastic, vinyl or wire fencing is prohibited, unless fully screened from public views by a minimum eight feet (8') wide landscaping strip. All landscaping shall meet the standards of the City of Shoreline, Zoning Code, Chapter 21 A.16. (Figure 6.)

- vii) Support structures, antennas and associated hardware and equipment shall be finished in such a manner as to blend with the background against which the wireless communication facility will be viewed.



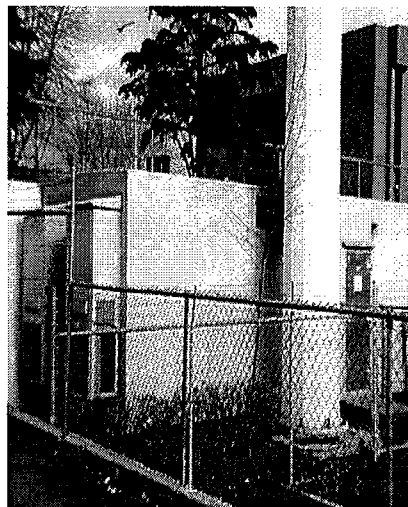
**Figure 3** - Supplement existing vegetation with new landscaping. Equipment enclosure shall be incorporated into a building design.



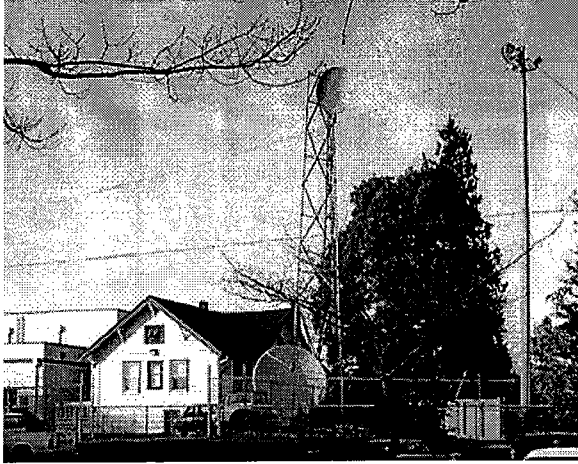
**Figure 4** - Unintegrated facilities dominating the landscape are not permitted.



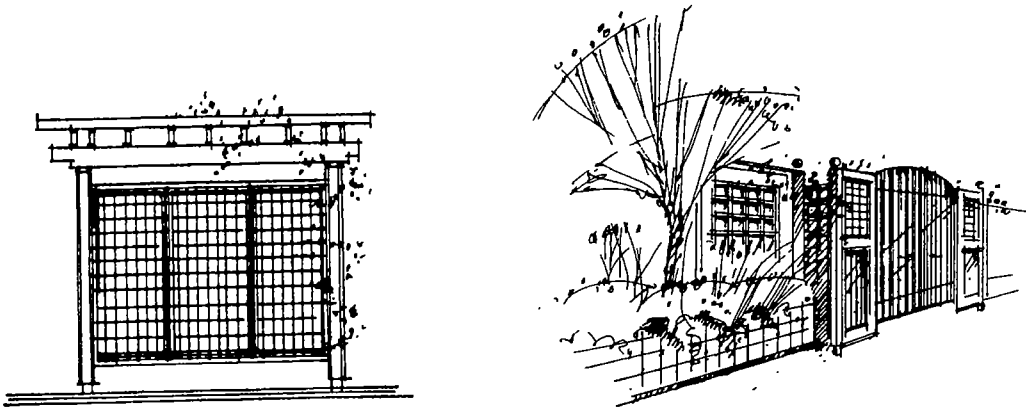
**Figure 5** - Existing trees should be retained in order to conceal the WTF.



**Figure 6** - Use of chain link fence without any landscape screen is prohibited.



**Figure 7 - Unscreened facilities and chain link fencing are prohibited.**



**Figure 8 - Examples of screening and fencing of WTF from public views.**

### **3. STRUCTURE MOUNTED WIRELESS TELECOMMUNICATION FACILITIES STANDARDS**

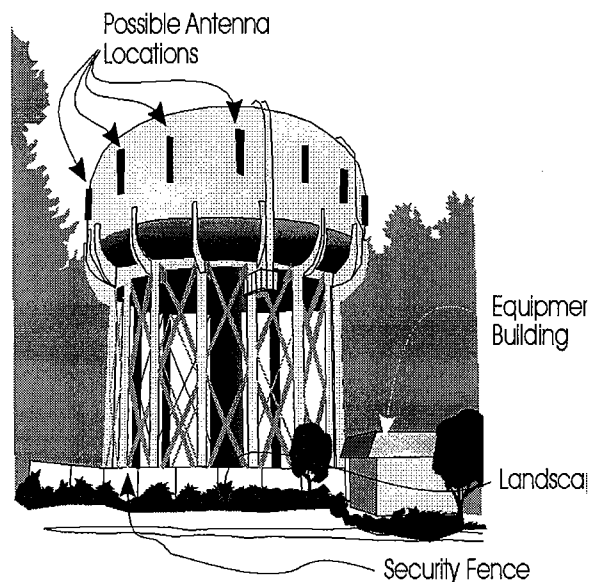
- a) Wireless telecommunication facilities located on structures other than buildings, such as light poles, flag poles, transformers, existing monopoles, towers and/or tanks shall be designed to blend with these structures and be mounted on them in an inconspicuous manner. (Figures 9 and 10.)
- b) The maximum height of structure mounted facilities shall not exceed the height limits specified for each zoning designation in the Shoreline Municipal Code, Title 21 A, Zoning Code.
- c) Wireless telecommunication facilities located on structures other than buildings shall be painted with non-reflective colors in a color scheme that blends with the background against which the facility will be viewed.
- d) Wireless telecommunication facilities located on structures within the City of Shoreline rights-of-way shall comply with Right-of-Way Use Permit requirements (City of Shoreline, Ordinance No. 83).





**Figure 9 - Antenna mounted on the light pole.**

**Figure 10 - Antenna mounted on the existing water tank.**



## **SECTION G.     GENERAL SITING CRITERIA FOR THE WIRELESS TELECOMMUNICATION FACILITIES**

1. The City of Shoreline encourages wireless telecommunication providers to plan more frequent, less conspicuous sites instead of attempting to stretch desirable range through use of taller than necessary towers.
2. The City of Shoreline believes that specific types of wireless telecommunication facilities are better placed in some locations of the City than in others. The City of Shoreline is committed to preserving those locations for existing and future carriers, and to avoid over development (saturation) of any prime location with WTFs. The City may request feasibility studies associated with applications for ground mounted WTF which demonstrate that locations on existing structures have been explored as the preferred alternative.

3. The development of single-user WTFs tends to use up those few prime locations more quickly than if all these facilities were co-located. Generally, collocation on existing towers and attachment of antenna to existing structures and buildings are encouraged by less complex permit procedures. (Refer to Section E.)
4. Co-location shall be encouraged for all personal wireless service facility applications.
  - i) To the greatest extent that is technically feasible, new applicants shall be required to build mounts capable of accommodating at least one other carrier.
  - ii) Co-locations shall be reviewed by the City on the basis of the site being built out (all available mounting capacity in use).
  - iii) Any WTF that requires an SUP under the provisions of this ordinance shall be separated by a minimum of 1,000 feet from any other facility requiring an SUP, unless located within an area designated as a Prime Wireless Location by the City of Shoreline.
5. The following shall be considered by the applicants as preferred locations for WTF:
  - i) Existing site or tower where a legal WTF is currently located.
  - ii) Publicly-Used Structures such as water towers and other structures and/or buildings.

## **SECTION H. SUBMITTALS**

In addition to the application submittal requirements of the City of Shoreline, each application for wireless telecommunication facility, where a Conditional Use or Special Use is required, shall be accompanied by the following items:

1. Photosimulations of the proposed facility from effected residential properties and public rights-of-way at varying distances.
2. A map showing the service area of the proposed wireless telecommunication facility and an explanation of the need for that facility.
3. A map showing the locations and service areas of other wireless telecommunication facility sites operated by the applicant and those proposed by the applicant that are close enough to impact service within the city.
4. A site, elevation, and landscaping plan showing the specific placement of the wireless telecommunication facility on the site; showing the location of existing structures, trees, other significant site features; and indicating type and locations of plant materials used to screen wireless telecommunication facility components and the proposed color(s) for the facility.

5. A signed statement indicating:
  - a) The applicant and landowner agree to allow for the potential co-location of additional WCF equipment by other providers on the applicants structure or within the same site location; and
  - b) That the applicant and/or landlord agree to remove the facility within 90 days after use of the site is discontinued.
6. Copies of any environmental documents required by any Federal agency. These shall include the Environmental Assessment (EA) required by FCC Para 1.1307, or, in the event that an FCC EA is not required, a statement to this effect that provides the specific numbers (such as height of antenna, ERP and other factors) that obviate the requirement for an EA.

## **SECTION I.      MODIFICATION**

From time to time, the applicant and/or co-applicant may want to alter the terms of the CUP or SUP by modifying specific features of the WTF. If any of the following changes are proposed or occur, such modifications must be submitted to the City of Shoreline as a renewal of the CUP or SUP. This provision shall not apply to routine maintenance of WTF, including “in-kind” replacement.

- a) Addition to, or replacement of, any equipment specified in the original design submittals.
- b) Change of the WTF design as specified in the original permit submittals.

## **SECTION J.      ABANDONMENT OR DISCONTINUATION OF USE**

1. At such time that a licensed carrier plans to abandon or discontinue operation of a personal wireless service facility, such carrier will notify the City of Shoreline Development Services Group by certified U.S. mail of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than 30 days prior to abandonment or discontinuation of operations.
2. In the event that a licensed carrier fails to give such notice, the personal wireless service facility shall be considered abandoned upon the discovery of such discontinuation of operations.
3. Upon abandonment or discontinuation of use, the carrier shall physically remove the personal wireless service facility within 90 days from the date of abandonment or discontinuation of use. “Physically remove” shall include, but not be limited to:
  - a) Removal of antennas, mount, equipment cabinets and security barriers from the subject property.

- b) Transportation of the antennas, mount, equipment cabinets and security barriers to a repository outside of the City of Shoreline.
  - c) Restoring the location of the personal wireless service facility to its natural condition, except that any landscaping provided by the WTF operator shall remain in place.
4. If a carrier fails to remove a personal wireless service facility in accordance with this section of this ordinance, the City of Shoreline shall have the authority to enter the subject property and physically remove the facility. Costs for removal of the WTF shall be charged to the landowner in the event the City of Shoreline removes the facility.

#### **SECTION K. MAINTENANCE**

- 1. The applicant shall maintain the WTF to standards that may be imposed by the City at the time of granting a permit. Such maintenance shall include, but not be limited to, painting, structural integrity, and landscaping.
- 2. In the event the applicant fails to maintain the facility, the City of Shoreline may undertake enforcement action as allowed by existing codes and regulations.

#### **SECTION L. SEVERABILITY**

If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence clause, or phrase of this Ordinance.

#### **SECTION M. EFFECTIVE DATE AND PUBLICATION**

This ordinance shall take effect and be in full force five (5) days after passage and legal publication.

**PASSED BY THE CITY COUNCIL ON APRIL 28, 1997.**

  
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Mayor Connie King

**ATTEST:**

*Sharon Mattioli*

Sharon Mattioli, CMC  
City Clerk

**APPROVED AS TO FORM:**

*B. Disend*

Bruce Disend  
City Attorney

Date of Publication: May 2, 1997  
Effective Date: May 7, 1997